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REMARKS

Claims 1-16 were pending in the application. In response to the office action, applicants have canceled claims 1-8, amended claims 9, 10, 14, and 16, and added new claims 17-28. Claims 9-28 are now pending for reconsideration.

Claims 6 and 16 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,366,453 (Wang). This rejection has been mooted because claim 6 is canceled and claim 16 now depends from claim 9.

Claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,522,283 (Shiga) in view of U.S. Patent No. 6,910,818 (McLoone). Applicants disagree with the rejection, but have canceled claims 1-5 to advance the prosecution.

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of U.S. Patent No. 6,243,068 (Evanicky). Claim 7 has been canceled.

Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Evanicky, and further in view of U.S. Patent Publication No. 2002/0124271 (Herrmann). Applicants respectfully traverse this rejection for the following reasons.

Claim 8 has been cancelled and rewritten in independent form as new claim 18, omitting the recitations of claim 7 (which are re-presented in new claim 19). Claim 9 has likewise been rewritten in independent form, omitting the recitations of claim 7 (which are re-presented in new claim 17).

Applicants respectfully request a new NON-FINAL office action if any rejection of claim 9 or 18 is maintained. As an initial matter, office action states:

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3 Applicant's amendments and arguments with respect to claims 1-14 have been considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

However, the Examiner's rejection of claims 8 and 9 is essentially identical to the prior office action and apparently does not accept applicants' arguments as persuasive or otherwise answer any of applicants' traversals. As is set forth in MPEP § 707.07(f):

707.07(f) Answer All Material Traversed [R-3]

In order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide clear explanations of all actions taken by the examiner during prosecution of an application.

Where the requirements are traversed, or suspension thereof requested, the examiner should make proper reference thereto in his or her action on the amendment.

Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.

In the present application, the office action fails to answer the substance of applicants' argument. Accordingly, applicants have little choice but to repeat those arguments. Applicants respectfully request that the Examiner either withdraw these rejections or answer the substance of the below arguments in a new NON-FINAL office action.

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Claim 18 recites a subwoofer disposed in the pedestal base. Herrmann describes a very large kiosk style media terminal, of the type you might encounter in a shopping mall. Applicants submit that Herrmann is non-analogous art with respect to Wang. Applicants note that neither the US nor International Classifications of the Wang and Herrmann references are the same. From a common sense point of view, one skilled in the art would not be motivated to incorporate the subwoofer from Herrmann into the base of Wang.

Because there is no motivation to combine the references as proposed, and because one skilled in the art would not be motivated to modify Wang with the teachings of Herrmann as proposed, claim 18 is patentable over Wang in view of Herrmann.

New claims 19-24 depend either directly or indirectly from claim 18, and are likewise patentable. Claim 22 recites features relating to a key associated with opening a file folder containing computer media files on a computer, and is separately patentable for reasons discussed below. Claim 24 recites a hand-held remote control having a form factor configured to fit in the palm of a user's hand, and is separately patentable for reasons discussed below.

Claim 9 recites a subwoofer disposed in the housing. As noted above, the housing enclosing the processor-based system is separate and distinct from the pedestal base. The office action misconstrues either the claim, the reference, or both. Nothing in the cited portion of Herrmann describes a subwoofer in a housing which encloses a processor-based system. The cited item 292 is described as an upper chassis box 292 which has no apparent relevance to the claim language. The only housing enclosing a processor-based system described in Herrmann appears to be the computer 270. But Herrmann does not teach or suggest the subwoofer 262 being disposed in the computer 270.

Because there is no motivation to combine the references as proposed, and because one skilled in the art would not be motivated to modify Wang with the teachings

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of Herrmann as proposed, and because Herrmann fails to teach or suggest a subwoofer disposed in the housing enclosing the processor-based system, claim 9 is patentable over Wang in view of Herrmann.

Claims 10-17 depend either directly or indirectly from claim 9, and are likewise patentable. Claim 15 recites features relating to a key associated with opening a file folder containing computer media files on a computer, and is separately patentable for reasons discussed below. Claim 14 recites a hand-held remote control having a form factor configured to fit in the palm of a user's hand, and is separately patentable for reasons discussed below.

Claims 10, 11, and 13-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Shiga. This rejection has been mooted by amending claim 10 to depend from claim 9.

Claims 12 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Wang in view of Shiga and further in view of McLoone. This rejection has been mooted by amending claim 10 to depend from claim 9.

Rather than argue the merits of claims 1-5, applicants have presented new claim 25 which is well distinguished over the cited art of record. Specifically, claim 25 recites that the hand-held remote control includes a housing having a form factor configured to fit in the palm of a user's hand. The amendment is supported at least by Figs. 6-7 of the present application. Although applicants submit that one of ordinary skill in the art would understand that a wireless keyboard is not a 'hand-held remote control', it is beyond question that the wireless keyboards described in Shiga and McLoone are not configured to fit in the palm of a user's hand.

Claims 14 and 24 recite similar features and are therefore patentable over the cited references.

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Claim 25 further recites that the hand-held remote control includes a second set of keys having a key associated with opening a file folder containing computer media files on a computer. The office action relies on col. 2, lines 60-67, col. 3, lines 1-8, col. 4, lines 65-67, and col. lines 1-12 of McLoone for allegedly describing these claim features. However, this is incorrect.

Applicants have thoroughly reviewed the cited portions and there is no description whatsoever of a key on the wireless keyboard associated with opening a file folder containing computer media files on a computer. In fact, the word 'media' cannot be located in the entire McLoone reference.

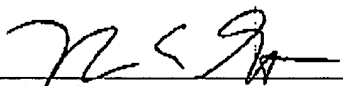
Claims 15 and 22 recite similar features and are therefore also patentable over the cited references. Claims 23 and 27 specifically recite that the key is associated with a My Music folder, which is likewise not taught or suggested by the prior art of record. Support for new claims 23 and 27 may be found in the specification at paragraph 0016.

In view of the foregoing, favorable reconsideration and withdrawal of the rejections is respectfully requested. Early notification of the same is earnestly solicited. If there are any questions regarding the present application, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

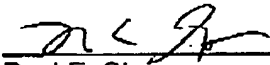
Respectfully submitted,

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Date

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The undersigned hereby certifies that this paper was facsimile transmitted to the USPTO at (571) 273 - 8300 on October 12, 2006.


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